

REMARKS

I. Interview Summary

Applicant's representative, D. Randal Ayers, and Examiner Hanh V. Tran discussed this case in a telephone interview on January 25, 2007. Applicant's representative requested clarification regarding the grounds for the objection to the drawings and the rejection of Claim 1 under 35 U.S.C. § 112 in order to make sure that Applicant's responsive document fully addressed the Examiner's concerns. Applicant's representative then reviewed with Examiner Tran Applicant's plan for responding to each of the Section 112 rejections in the present Amendment After Final, which plan is fully reflected in the present document. No prior art was discussed during the interview.

II. Applicant's Claim Amendments

Applicant appreciates the thorough review of the present application that is reflected in the Office Actions mailed September 23, 2005, February 24, 2006, June 1, 2006, September 13, 2006 and January 3, 2007. Applicant also appreciates the allowance of Claims 16, 18-23, 25, 29 and 37, and the indication that Claims 1-2, 4, 6-12, 26, 28, 31, 33-34, 36 and 38 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, ¶ 2. Applicant has cancelled Claim 32 to moot the objection thereto, and has amended Claims 1, 16, 26, 28, 33 and 38 to address the rejections under 35 U.S.C. 112, ¶ 2. The amendment to Claim 1 necessitated a corresponding amendment to Claim 10, and the amendment to the preamble of Claim 16 necessitated corresponding amendments to the preambles of Claims 18-23, 25-26 and 37, each of which depend from Claim 16. As each of the amendments are made to address a matter of form identified in the Office Action, and as the amendments place the present case in condition for allowance, entry of the present *Amendment After Final* is appropriate. In light of Applicant's amendments to the claims, and the comments provided below, Applicant respectfully submits that all of the pending claims are now in condition for allowance.

III. The Objection to the Drawings

The drawings stand objected to as failing to show the recitation of Claim 1 that "a first wall of the cabinet and a second wall of the cabinet are received within the cavity." It is Applicant's understanding that the amendment to Claim 1, discussed below, resolves this

objection to the drawings. In addition, Applicant is submitting herewith a replacement drawing for Figure 3. This replacement Figure 3 shows the first and second walls (in outline form) being received within the cavity. Support for this amendment to the drawings may be found, for example, at page 4, lines 4-13, page 5, lines 29-32, page 6, lines 17-31 and Figure 1.

Applicant notes that the Office Action states that "since the cavity is defined by the top member, the inner member and the outer wall, the first and second walls of the cabinet have to be in alignment." (Office Action at 2). Claim 1 has been amended to recite that the inner wall includes a cut-out portion. As shown, for example, in the embodiment of Figure 3 of the present application, the cavity is the area between walls 30 and 40 that is above top member. A first wall is received within the cavity from the left side of the figure between walls 30 and 40. A second wall is received within the cavity through the cut-out portion in wall 40 (in the embodiment of Figure 3, the inner wall 40 has two segments that are separated by the cut-out portion; in other embodiments the inner wall 40 may comprise a single segment that has a recessed or cut-out portion at one end thereof as recited, for example, in Claim 10). Thus, as shown in Figure 3, the first wall and the second wall need not be in alignment for both walls to be received within the cavity.¹ In any event, Applicant respectfully submits that, as revised, Figure 3 clearly shows "a first wall of the cabinet and a second wall of the cabinet [being] received within [a] cavity" that is defined by a top member, an inner wall and an outer wall. Accordingly, Applicant respectfully submits that the objection to the drawings has been fully addressed.

IV. The Rejections Under 35 U.S.C. § 112

Claim 1 stands rejected under 35 U.S.C. § 112, ¶ 2 because the Office Action states that the recitation "a first wall of the cabinet and a second wall of the cabinet [being] received within the cavity" is vague, and thus indefinite "for failing to provide adequate structural limitations for the recitations of the first and second wall of the cabinet are received within the cavity, since the cavity is defined by the top member, the inner member and the outer wall." Based on the above-referenced telephonic interview, Applicant's representative

¹ Applicant further notes that Claim 1 recites "comprising" as its transitional term. As such, while Claim 1 recites that the cavity is defined by the "top member, the inner wall and the outer wall", other structure such as, for example, the side wall 50 may also serve to define the cavity.

understands that this rejection may be overcome by moving to Claim 1 the recitation from Claim 10 that "the inner wall including a cut-out portion." Applicant has so amended Claims 1 and 10. Accordingly, Applicant respectfully submits that the rejection of Claim 1 under 35 U.S.C. § 112, ¶ 2 has now been fully addressed. Applicant has also amended the preamble and last clause of Claim 1 to more positively recite the "first wall" and "second wall" recitations.

Claim 26 also stands rejected under 35 U.S.C. § 112, ¶ 2. In particular, the Office Action states (1) that "the object" referred to in Claim 26 is not positively recited in Claim 16 and hence the recitation "in combination with the object" is indefinite and (2) that the recitation "the second wall" is indefinite since a first wall has not been positively defined. (Office Action at 3-4). Applicant has amended the preamble of Claim 16 to positively recite that the corner protector is "in combination with the object." Applicant has likewise amended the bodies of Claim 16 and 26 and the preambles of dependent Claims 18-23, 25-26 and 37 as necessary in light of this amendment to Claim 16. In light of these amendments, Applicant respectfully submits that the rejection of Claim 26 has been fully addressed.

Claim 28 stands rejected under 35 U.S.C. § 112, ¶ 2 because the recitations of the term "protective device" at both lines 1-2 and 5 was considered unclear. Consistent with the Examiner's suggestion during the telephonic interview, Applicant has amended Claim 28 to delete the recitation "the protective device," thereby fully addressing the rejection to Claim 28.

Claim 33 stands rejected under 35 U.S.C. § 112, ¶ 2 based on the phrase "that forms first opening." Applicant appreciates the Examiner's calling this phrase to Applicant's attention, as it includes a typographical error. As discussed during the telephonic interview, Applicant has amended Claim 33 to replace the phrase "that forms first opening" with the phrase "that forms a first opening." Applicant respectfully submits that the correction of this typographical error renders Claim 33 definite.

Finally, Claim 35 stands rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for depending from a cancelled claim. Applicant again appreciates the Examiner's identification of this informality. Applicant has amended Claim 38 to depend from Claim 33 (which was the claim that Claim 38 was considered to depend from for purposes of examination in the previous Office Action). Accordingly, the rejection of Claim 38 has also been overcome.

Applicant respectfully submits that based on the above-described claim amendments and comments each of the rejections under 35 U.S.C. § 112, ¶ 2 have been overcome. Accordingly, Applicant respectfully submits that the claims are now in condition for allowance, and that the present case should be passed to issuance.

V. Conclusion

Inasmuch as the points and concerns raised in the Office Action have been addressed in full, Applicant respectfully requests that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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Date of Signature: February 2, 2007